

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

June 14, 2022

FROM

DAVID DOUBLET, Director, Land Use Services Department

SUBJECT

An Ordinance Amending Title 1 and Title 8 of the County Code relating to ShortTerm Residential Rental Fees and Regulations

RECOMMENDATION(S)

1. Conduct a public hearing to consider proposed ordinance amending Section 16.0215C and Chapter 84.28 of the County Code relating to Short-Term Residential Rental fee program and regulations.
2. Adopt the findings recommended by the Planning Commission.
3. Make alterations, if necessary, to proposed ordinance.
4. Approve introduction of proposed ordinance.
 - a. An ordinance of San Bernardino County, State of California, to amend San Bernardino County Code Section 16.0215C, relating to Short-Term Residential Rental program fees and to amend San Bernardino County Code Chapter 84.28, relating to short-term residential rental regulations.
5. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, JUNE 28, 2022, on the Consent Calendar.
6. Direct the Clerk of the Board of Supervisors to file the Notice of Exemption.
(Presenter: David Doublet, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.
Provide for the Safety, Health and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Adequate appropriation to complete this action has been included in the Land Use Services Department's (LUS) 2021-22 budget and will be included in future recommended budgets. LUS anticipates additional revenues as a result of the newly proposed and amended Short-Term Rental (STR) fees, which will offset costs for the administration and enforcement of the STR program.

BACKGROUND INFORMATION

This item includes a proposed ordinance amending Section 16.0215C of Chapter 2 of Division 6 of Title 1 and Chapter 84.28 of Division 4 of Title 8 of the County Code related to STRs. The proposed amendment to Section 16.0215C of Chapter 2 of Division 6 of Title 1 includes updated fees related to the STR fee program. The proposed amendment to Division 4 of Title 8 (Development Code) includes substantive changes and clarifications to Chapter 84.28 related to

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the STR program. The proposed amendments are intended to address the adverse impacts of STR units on unincorporated communities.

Public Input

In August 2021, LUS released an STR survey for both STR hosts and County residents. The survey sought to highlight the main areas of concern for both hosts and residents in an effort to improve the STR program. The survey was sent via email to LUS customers through the LUS' EZOP (EZ online permitting) system, posts on LUS and County social platforms and through various communication outlets utilized by the Board of Supervisors. The survey yielded over 2,000 responses and highlighted the following main areas of concern for residents:

- Trash
- Noise
- Loss of neighborhood feel

Concerns regarding trash were addressed by Code Enforcement by issuing a reminder notification to all STR hosts that they were required to have trash service (where available). The other issues of noise and loss of neighborhood feel are addressed in the proposed ordinance changes to the Development Code and fee schedule outlined below.

Summary of Proposed Amendments to Chapter 84.28 of Division 4 of Title 8

Section 84.28.020 Applicability. This section is amended to provide clarification that STR regulations and permitting procedures do not apply to the rental of alternative shelters as defined.

Section 84.28.030 Definitions. This section is amended to add new definitions for alternative shelter, dwelling unit, occupant, and surrounding property owner. This section also amends the definitions for inspections, STR, and STR owner.

Section 84.28.040 Permit Required. This section is amended to provide clarification regarding the number of STR permits allowed per parcel, that a condominium unit is eligible for an STR permit, that condominium units subject to a timeshare restriction are not subject to STR regulations, that STR permits are not transferrable, and that an alternative shelter is not eligible for an STR permit. The proposal sets a limit of one STR for parcels under 2 acres, and a limit of two STRs for parcels over 2 acres. The proposal also clarifies that STR permits do not run with the land and identifies a permitting procedure for alternative shelters.

Section 84.28.050 Application Process. This section is amended to update application, fee, and notification requirements. The proposal also clarifies operational standards during the application process and updates the appeal process by providing both an applicant and non-applicant 30 days to appeal a decision related to the issuance or denial of an STR permit. Lastly, the proposal amends the permit renewal requirement from biannually to annually.

Section 84.28.060 Occupancy Standards. This section is amended to revise STR occupancy limits based on the number of bedrooms. The proposal also sets a maximum occupancy cap not to exceed 12 persons, notwithstanding the number of bedrooms. Lastly, the proposal provides updated parking restrictions and requirements that may affect the STR occupancy limits noted above.

Section 84.28.070 Conditions of Operation. This section is amended to include a minimum rental period of two consecutive nights on Fridays and Saturdays, with exceptions for owner-occupied properties.

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Section 84.28.090 Suspension of Permit. This section is amended to refine STR suspensions related to substandard buildings, general violations, use during suspension period and appeal time frame.

Section 84.28.100 Revocation of Permit. This section is amended to update appeal standards for the revocation of a STR permit.

Section 84.28.110 Hosting Platform Requirement. This section is amended to add the requirement that hosts shall display the County STR permit number for any STR listing on a hosting platform.

Planning Commission

The proposed ordinance amending the Development Code was considered in a public hearing by the Planning Commission on February 3, 2022. During the public hearing, the Planning Commission raised concerns related to several of the proposed amendments recommended by staff, including limitations on the number of STR permits per person, limitation on the number of STRs per parcel, two-night stay minimum requirement, and parking and occupancy standards. The Planning Commission continued the item, directing the staff to make changes related to these topics or provide additional explanation for the proposed amendments.

Staff brought a revised ordinance before the Planning Commission on March 3, 2022. The Planning Commission unanimously recommended approval of the proposed ordinance with a 4-0 vote (Vice Chair Allard, absent), which included revisions that eliminated the proposed restriction on the number of STR permits a person or business can hold, added accessory dwelling unit to the definition for dwelling unit, and modified the language for a two-night stay minimum.

Summary of Proposed Amendments to Section 16.0215C of Chapter 2 of Division 6 of Title 1

Section 16.0215C(a)(4)(E) Special Use Permit – Short-term Private Home Rental Permit.

This section is amended to update the following:

Amended Section	Title	Current Fee (2 years)	Proposed Change (1 year)
16.0215C(a)(4)(E)(I)	Initial Permit Application	\$667	\$600
16.0215C(a)(4)(E)(II)	New Permit Fee	New	\$285
16.0215C(a)(4)(E)(III)	Biennial Renewal	\$489	\$600
16.0215C(a)(4)(E)(IV)	One-time Notification Fee	\$461	\$485
16.0215C(a)(4)(E)(V)	Noise Monitoring Fee Device Credit	New	\$150

California Environmental Quality Act Compliance

The proposed ordinances would amend the County Code for the purpose of adopting better regulations governing the existing use of STRs that is currently authorized within the County. Therefore, the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be determined with certainty that the proposed ordinances will not have a significant effect on the environment.

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PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Deputy County Counsel, 387-5478) on May 26, 2022; Finance (Erika Rodarte, Administrative Analyst III, 387-4919) on May 31, 2022; and County Finance and Administration (Paloma Hernandez-Barker, 387-5426 and Robert Saldana, 387-5423, Deputy Executive Officer) on May 31, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

Hearing Opened

Public Comment: Dr. Barbara Finlayson-Pitts, Peter Tennyson, Allen Songer, Kerrie Alay, Levon Kazarian, Robert Brada, Theodore Trentman, Steve Bardwell, Janet Johnston, Adrianna Ramirez, David Holden, Lori Bloom, Cody Carlson, Patricia Foley, Michael Perry, Pat Enyart, Jennifer Gladysz, Hilary Sloane, David R. Fick, Matt Kantz, Roberta Rindenow

Hearing Closed

Board Direction: The Board directed staff to return the following items for consideration by the Planning Commission: hosting platform requirements, eviction ban, applicability of the STR Ordinance countywide, outdoor noise requirement, cap on number of STR permits issued, permitting pathways for minor exceptions, and options for enforcement.

The Board accepted all of the original proposals to the ordinance as recommended by the Planning Commission except as altered by the Board and noted below.

- Maximum Number of STR's per Parcel
Motion/Second: Janice Rutherford/Dawn Rowe
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.
- Occupancy Standards/Limits
Motion/Second: Dawn Rowe/Janice Rutherford
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.
- Program Applicability
Motion/Second: Dawn Rowe/ Col. Paul Cook
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.
- Property Owner Notifications
Motion/Second: Dawn Rowe/Janice Rutherford
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.
- Hosting Platform Permit Number Display Requirements
Motion/Second: Dawn Rowe/Janice Rutherford
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.
- Two-Night Weekend Minimum
Motion/Second: Dawn Rowe/Curt Hagman
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.
- Ownership Limits/Business Entity
 - Entities allowed to obtain an STR
Dawn Rowe moved to remove corporation; Motion failed due to lack of second.
Motion/Second: Curt Hagman/Janice Rutherford
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Curt Hagman, Joe Baca Jr.
NAY: Dawn Rowe
 - No limit on number of STR permits
Motion/Second: Dawn Rowe/Janice Rutherford
AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca Jr.
NAY: Curt Hagman
 - STR permits do not transfer

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Motion/Second: Dawn Rowe/Janice Rutherford

AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.

- Proposed Fee Revisions

Motion/Second: Dawn Rowe/Col. Paul Cook (Ret.)

AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.

APPROVED AS AMENDED WITH BOARD DIRECTION

Moved: Dawn Rowe Seconded: Janice Rutherford

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: June 14, 2022



cc: File w/ Final BAI

JLL 06/17/2022